

Patent No. 7,499,880
Request for Cert. of Correction dated May 11, 2009
Attorney Docket No. 3819-040410

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,499,880 Application No. 10/803,549
Inventors : Sandholm et al. Confirmation No. 5653
Issued : March 3, 2009
Title : Dynamic Exchange Method And Apparatus

Examiner : Yogesh C. Garg
Customer No. : 28289

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 C.F.R. 1.322(a))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Decision and Certificate of Correction Branch
Patent Issue Division

Sir:

In accordance with 35 U.S.C. § 254, we attach hereto Form PTO/SB/44 and a copy of proof of PTO errors and request that a Certificate of Correction be issued in the above-identified patent. The following errors appear in the patent as printed:

Column 26, Line 25, Claim 1, "at least par" should read – at least part –
(See the Amendment dated August 8, 2008, page 2, Claim 1, Line 8.)

Column 26, Line 30, Claim 1, "not include " should read – not included –
(See the Amendment dated August 8, 2008, page 2, Claim 1, Line 11.)

Column 26, Line 36, Claim 1, "to reapeat" should read – to repeat –
(See the Examiner's Amendment accompanying the Notice of Allowance mailed November 18, 2008, page 3, Line 16 of Claim 1.)

Column 27, Line 43, Claim 11, "biffer" should read – bidder –
(See the Amendment dated August 8, 2008, page 3, Claim 7, Line 3. Claim 7 issued as Claim 11.)

Column 27, Line 60, Claim 15, "dureation" should read – duration –
(See the Amendment dated August 8, 2008, page 5, Claim 14, Line 3. Claim 14 issued as Claim 15.)

I certify that this correspondence is being electronically
submitted to the United States Patent and Trademark
Office on May 11, 2009.

05/11/2009
Date

Signature

Mary Jo Sinicrope

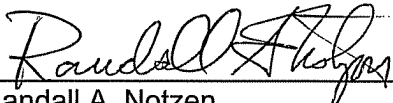
(Typed Name of Person Signing Certificate)

Column 28, Line 64, Claim 25, "ech item" should read – each item –
(See the Amendment dated August 8, 2008, page 7, Line 2 of Claim 24. Claim 24 issued as Claim 25.)

Column 29, Line 1, Claim 25, "of the kids" should read – of the bids –
(See the Amendment dated August 8, 2008, page 7, Line 5 of Claim 24 and the Examiner's Amendment, page 4, Claim 24, Line 8. Claim 24 issued as Claim 25.)

Respectfully submitted,

THE WEBB LAW FIRM

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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,499,880
 APPLICATION NO. : 10/803,549
 ISSUE DATE : March 3, 2009
 INVENTORS : Sandholm et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 26, Line 25, Claim 1, "at least par" should read – at least part –

Column 26, Line 30, Claim 1, "not include " should read – not included –

Column 26, Line 36, Claim 1, "to reapeat" should read – to repeat –

Column 27, Line 43, Claim 11, "biffer" should read – bidder –

Column 27, Line 60, Claim 15, "dureation" should read – duration –

Column 28, Line 64, Claim 25, "ech item" should read – each item –

Column 29, Line 1, Claim 25, "of the kids" should read – of the bids –

MAILING ADDRESS OF SENDER: The Webb Law Firm
 700 Koppers Building
 436 Seventh Avenue
 Pittsburgh, PA 15219

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-2450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select Option 2.

Application No. 10/803,549
Paper Dated: August 8, 2008
In Reply to USPTO Correspondence of May 8, 2008
Attorney Docket No. 3819-040410

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/803,549 Confirmation No. 5653
Applicants : Tuomas Sandholm et al.
Filed : March 18, 2004

Title : DYNAMIC EXCHANGE METHOD AND
APPARATUS

Group Art Unit : 3625

Examiner : Yogesh C. Garg

Customer No. : 28289

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

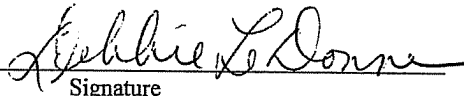
In response to the May 8, 2008 Office Action, Applicants submit the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 13 of this paper.

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on August 8, 2008.

08/08/2008
Date


Signature

Debbie LeDonne
Typed Name of Person Signing Certificate

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims

Claim 1. (Currently Amended)

^{computer-implemented}
A method of conducting a live

~~combinatorial exchange comprising:~~

directing a processor to store in a memory of a computer at least one bid
(a) ~~receiving from each of a plurality of bidders at least one bid~~ ^{is received from each bidder}
of at least one item ~~a plurality of items~~, an initial quantity of each item, and a price for all of the item(s) ~~items~~ and their quantities;

directing the processor of the computer to determine
(b) ~~determining an allocation that is optimal for the type of exchange~~
being conducted, wherein said allocation includes a plurality of ^{the} bids with each bid of said allocation including all of the items of the bid and at least part of the initial quantity of each item;

directing the processor of the computer to cause
(c) ~~causing at least a portion of each bid of said allocation to be displayed~~
to each bidder of a first subset of the bidders that has at least one bid that is not included in said allocation;

directing the processor of the computer to store in the memory of the computer
(d) ~~receiving from each bidder of a subset of the first subset of bidders at~~
least one of the following: a new bid and/or an amendment to an existing bid of the bidder;

and

directing the processor of the computer to repeat
(e) ~~repeating steps (b)-(d) until a predetermined condition is satisfied, wherein~~
the predetermined condition includes at least one of the following: (i) a lapse of a predetermined time interval from commencement of the exchange (ii) a manual abort or (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.
Claim 2. (Withdrawn) The method of claim 1, wherein each item includes one of a tangible good, a service and money.

Cancelled
Claim 3. (Withdrawn) The method of claim 1, wherein the predetermined condition includes at least one of (i) a lapse of a predetermined time interval from commencement of the exchange, (ii) a manual abort, and (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.

3
Claim 4. (Currently Amended)

The method of claim 1, wherein:

each bid of a subset of the bids has associated therewith exchange description data (EDD) established by the bidder of said bid (bidder EDD);

bidder EDD comprises at least one rule (or constraint) for processing at least one of the following: (i) a bid, (ii) at least one item of a bid, ~~and-or~~ (iii) a subset of bids that includes all or less than all of the bids when determining the allocation; and

step (b) further includes determining the allocation as a function of bidder EDD.

⁴
Claim ~~5~~. (Withdrawn) The method of claim ³~~4~~, wherein bidder EDD includes at least one rule related to: bid attribute(s), bid adjustment(s), item attribute(s), item adjustment(s), free disposal, action, cost constraint/requirement, unit constraint/requirement, counting constraint/requirement, homogeneity constraint, mixture constraint, cost/unit condition pricing, quote request and reserve price(s).

⁶
Claim ~~6~~. (Withdrawn) The method of claim ³~~4~~, wherein the portion of each bid in step (c) includes at least one of: (i) the at least one item of the bid, (ii) the quantity of the at least one item of the bid, (iii) the price for all of item(s) and their quantities, and (iv) at least a portion of the bidder EDD.

¹¹
Claim ~~7~~. (Withdrawn) The method of claim 1, further including displaying a portion of at least one bid that was determined to be part of the allocation to each bidder of a second subset of bidders that has at least one bid that is part of the allocation.

¹²
Claim ~~8~~. (Withdrawn) The method of claim ¹¹~~7~~, wherein:
each subset of bidders includes (i) all or (ii) less than all of the plurality of bidders; and

each subset of bids includes (i) all or (ii) less than all of the bids.

¹³
Claim ~~9~~. (Withdrawn) The method of claim ¹¹~~7~~, wherein the portion of the at least one bid in step (c) includes at least one of: (i) at least one item of the bid, (ii) the initial or allocated quantity of at least one item of the bid, (iii) the price for all of item(s) and their quantities, and (iv) at least a portion of the bidder EDD.

Claim ~~14~~¹⁵. (Withdrawn) The method of claim ~~3~~¹, further including extending the predetermined time interval in response to receiving a bid that improves the allocation within a predetermined duration of the end of the predetermined time interval.

Claim ~~15~~¹⁶. (Withdrawn) The method of claim ~~14~~¹⁵, wherein:
in an exchange that includes plural bidders and plural bid takers, the allocation improves when (i) the number of items exchanged increases or (ii) a difference between a sum of the prices of the buy bids and a sum of the prices of the sell bids of the allocation increases;

in an exchange that includes a single buyer and plural sellers (reverse auction), the allocation improves if a sum of the prices of the bids of the allocation decreases; and

in an exchange that includes a single seller and plural buyers (forward auction), the allocation improves if a sum of the prices of the bids of the allocation increases.

Claim ~~16~~¹⁷. (Withdrawn) The method of claim 1, further including:
OR'ing all the received bids; and
XOR'ing bids received from one bidder that include at least one item in common.

Claim ~~17~~¹⁸. (Withdrawn) The method of claim 1, wherein:
step (b) further includes determining the allocation as a function of exchange description data (EDD) established by a bid taker (bid taker EDD), wherein bid taker EDD comprises at least one rule (or constraint) for processing at least one of (i) a bid, (ii) at least one item of a bid, and (iii) a subset of the plurality of the bids when determining the allocation; and

step (d) further includes receiving from the bid taker at least one of new bid taker EDD and an amendment to an existing bid taker EDD of the bid taker, wherein the amendment to the existing bid taker EDD of the bid taker includes at least one of:

adding at least one new rule to the existing bid taker EDD;
deleting at least one rule from the existing bid taker EDD; and
amending a value associated with at least one rule of the existing bid taker EDD.

^{19.}
Claim ~~18~~. (Withdrawn) The method of claim ~~17~~¹⁸, further including imposing at least one supervisory constraint that limits at least one of (i) adding at least one rule to a bid taker EDD, (ii) deleting at least one rule from a bid taker EDD, (iii) relaxing at least one rule of a bid taker EDD and (iv) tightening of at least one said rule of a bid taker EDD.

^{20.}
Claim ~~19~~. (Withdrawn) The method of claim ~~17~~¹⁸, wherein bid taker EDD includes at least one rule related to: objective(s), constraint relaxer(s), feasibility obtainer(s), bid adjustment(s), item attribute(s), item adjustment(s), free disposal, action, cost constraint/requirement, unit constraint/requirement, counting constraint/requirement, homogeneity constraint, mixture constraint, cost/unit condition pricing, quote request and reserve price(s).

^{23.}
Claim ~~20~~. (Withdrawn) The method of claim 1, wherein step (c) further includes causing an identification of the bidder of the bid to be displayed.

^{24.}
Claim ~~21~~. (Withdrawn) The method of claim ~~20~~²³, wherein the display of the bidder identification is obscured.

^{9.}
Claim ~~22~~. (Withdrawn) The method of claim ~~4~~³, wherein at least one rule is introduced into at least one bidder EDD in response to a bidder specifying (i) a precondition of said rule and (ii) an effect to apply if said precondition is satisfied.

^{21.}
Claim ~~23~~. (Withdrawn) The method of claim ~~17~~¹⁸, wherein at least one rule is introduced into at least one bid taker EDD in response to a bid taker specifying (i) a precondition of said rule and (ii) an effect to apply if said precondition is satisfied.

^{25.}
Claim ~~24~~. (Currently Amended) A computer readable medium having stored thereon instructions which, when executed by a processor, cause the processor to perform the steps of:

store in a memory of a computer at least one bid received from each bidder

(a) ~~receive from each of a plurality of bidders at least one bid~~ comprised of at least one item plurality of items, an initial quantity of ^{wherein each is} each item, and a price for all of the item(s) items and their quantities;

(b) determine an allocation ~~that is optimal~~ for the type of exchange being conducted, wherein said allocation includes a plurality of ^{the} bids with each bid of said allocation including all of the items of the bid and at least part of the initial quantity of each item;

(c) ~~display~~ ^{cause} at least a portion of each bid of said allocation ^{to be displayed} to each bidder of a first subset of the bidders that has at least one bid that is not included in said allocation;

store in the memory of the computer for
(d) ~~receive from each bidder of a subset of the first subset of bidders at least one of the following: a new bid and-or an amendment to an existing bid of the bidder;~~
and

(e) repeat steps (b)-(d) until a predetermined condition is satisfied, *wherein the predetermined condition includes at least one of the following: (i) a lapse of a predetermined time interval from commencement of the exchange, (ii) a manual abort, or (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.*

Claim 25. (Withdrawn) The computer readable medium of claim 24, wherein each item includes one of a tangible good, a service and money. *25*

cancelled
Claim 26. (Withdrawn) The computer readable medium of claim 24, wherein the predetermined condition includes at least one of (i) a lapse of a predetermined time interval from commencement of the exchange, (ii) a manual abort, and (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.

25
Claim 27. (Currently Amended) The computer readable medium of claim 24, wherein:

each bid of a subset of the bids has associated therewith an exchange description data (EDD) established by the bidder of said bid (bidder EDD);

bidder EDD comprises at least one rule (or constraint) for processing at least one of the following: (i) a bid, (ii) at least one item of a bid, ~~and-or~~ (iii) a subset of bids that includes all or less than all of the bids when determining the allocation; and

step (b) further includes determining the allocation as a function of bidder EDD.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,549	03/18/2004	Tuomas Sandholm	3819-040410	5653
28289	7590	11/18/2008		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 11/18/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1030 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1030 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/803,549

Examiner

Yogesh C. Garg

Applicant(s)

SANDHOLM ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8/8/08 & Telephone Interview on 11/5/08.

2. ☒ The allowed claim(s) is/are 1-2, 4-25, 27-50.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/5/08.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

/Yogesh C Garg/
Primary Examiner, Art Unit 3625

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 8/8/2008 is entered. Claims 1, 4, 11, 12, 24, 27, 34, 35, have been amended. Claims 2, 3, 5-10, 13-23, 25, 26, 28-33 and 36-50 dependent on independent claims 1 and 24 were previously withdrawn.
-

Drawings

2. Drawings filed 8/5/2004 are accepted.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney Mr. Randy Notzen on 11/5/2008 (Note: The amendments to claims 14 and 37 were not discussed but they have to be amended as they were dependent claims from currently cancelled claims 3 and 26 respectively.

The application has been amended as follows: Claims 1 and 24 have been amended and claims 3 and 26 have been cancelled.

Claim 1. (Currently Amended) A computer-implemented method of conducting a live combinatorial exchange comprising:

(a) directing a processor to store in a memory of a computer at least one bid received from each bidder of a plurality of bidders, wherein each bid is comprised of a plurality of items, an initial quantity of each item, and a price for all of the items and their quantities;

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5 (b) directing the processor of the computer to determine an allocation for the type of exchange being conducted, wherein said allocation includes a plurality of the bids with each bid of said allocation including all of the items of the bid and at least part of the initial quantity of each item;

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10 (c) directing the processor of the computer to cause at least a portion of each bid of said allocation to be displayed to each bidder of a first subset of the bidders that has at least one bid that is not included in said allocation;

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(d) directing the processor of the computer to store in the memory of the computer for each bidder of a subset of the first subset of bidders at least one of the following: a new bid or an amendment to an existing bid of the bidder;
15 and

Deleted: receiving from

(e) directing the processor of the computer to repeat steps (b)-(d) until a predetermined condition is satisfied, wherein the predetermined condition includes at least one of the following: (i) a lapse of a predetermined time interval from commencement of the exchange, (ii) a manual abort, or (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.

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20 Claim 3. (Cancelled)

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Claim 14.(Currently Amended) The method of claim [[3]] 1, further including extending the predetermined time interval in response to receiving a bid that improves the allocation within a predetermined duration of the end of the predetermined time interval.

Claim 24. (Currently Amended) A computer readable medium having stored thereon instructions which, when executed by a processor, cause the processor to perform the steps of:

5 (a) store in a memory of a computer at least one bid received
from each bidder of a plurality of bidders, wherein each bid is comprised of a plurality of
items, an initial quantity of each item, and a price for all of the items and their quantities;

10 (b) determine an allocation for the type of exchange being
conducted, wherein said allocation includes a plurality of the bids with each bid of said
allocation including all of the items of the bid and at least part of the initial quantity of
each item;

(c) cause at least a portion of each bid of said allocation to be
displayed to each bidder of a first subset of the bidders that has at least one bid that is
not included in said allocation;

15 (d) store in the memory of the computer for each bidder of a
subset of the first subset of bidders at least one of the following: a new bid or an
amendment to an existing bid of the bidder; and

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_____ (e) repeat steps (b)-(d) until a predetermined condition is satisfied, wherein the predetermined condition includes at least one of the following: (i) a lapse of a predetermined time interval from commencement of the exchange, (ii) a manual abort, or (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.

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Claim 26. (Cancelled)

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Claim 37. (Currently Amended) The computer readable medium of claim [[26]] 24, wherein the instructions further cause the processor to extend the predetermined time interval in response to receiving a bid that improves the allocation within a predetermined duration of the end of the predetermined time interval.

Allowable Subject Matter

4. Claims 1-2, 4-25, 27-50 are allowed wherein claims 1 and 24 are independent claims and claims 2, 4-23, 47-50 are dependent of claim 1 and claims 25, 27-46 are dependent of claim 24. Earlier withdrawn claims 2, 5-10, 13-23, 25, 28-33 and 36-50 are allowed because they depend from allowable independent claims 1 and 24.

The following is an examiner's statement of reasons for allowance: The prior art, alone or combined, does neither anticipate nor render obvious, as a whole, a computer-implemented method of conducting a live combinatorial exchange comprising (a)